IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

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Civil Revision No.3554 of 2006.

Date of decision : 11.01.2007

Shrimati Asha Rani ... Petitioners

Versus

Chander Shekhar and others ... Respondents.

...

Present: Mr. Baldev Kapur, Advocate
for the petitioner.

Mr. Ajay Sharda, Advocate
for the respondents.

...

VINOD K. SHARMA, J

The present revision petition has been filed against an order vide **w**hich an application moved by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure for being impleaded as a defendant in the suit, has been declined.

The respondent filed suit for permanent injunction restraining the respondent-Punjab State Electricity Board from shifting 11 K.V. Electricity Pole. The decision to shift the said Pole was taken on an application made by him on 18.2.2003 and, therefore, he was a necessary party to the suit. As such, the learned trial Court erred in law in dismissing the application merely by holding that the plaintiff was master of his case and it was for him to decide as to who should be impleaded.

Once it is not disputed that an application was made by the petitioner herein, then he was in any case a proper party to the suit and, therefore, the application ought to have been allowed.

Accordingly, this civil revision is allowed and the impugned order is set aside. As a result, application under Order 1 Rule 10 of the Code of Civil Procedure shall stand allowed.

(VINOD K. SHARMA)
JUDGE

January 11, 2007
RS